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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/706,718 | 11/11/2003 | Hein Vodinh | 200011.00001 | 9971 |

21324 7590 11/30/2004
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EXAMINER

TORRES, ALICIA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3671

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,718

Applicant(s)

VODINH, HEIN

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 4-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, drawn to a device for combining a pair of rakes comprising three sleeves, classified in class 56, subclass 400.04.
 - II. Claims 21 and 23, drawn to a method and device for combining a pair of rakes, classified in class 56, subclass 400.12.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions would require different searches.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mark Watkins on 24 November 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-20.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 21 and 23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Koong.

Koong discloses a device for combining a pair of rakes, each rake having a handle connected to a rake head with tines, said device comprising:

a first sleeve (40) adapted to be secured to a first rake handle (24);

a second sleeve (40) pivotally connected to said first sleeve (40); and

a third sleeve (16) adapted to be secured to a second rake handle (24);

wherein said second sleeve (40) is adapted to receive said third sleeve (16) and wherein said second sleeve (40) comprises means for permitting rotation of said third sleeve (16) and said second rake handle (24) within said second sleeve (40), as per claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koong in view of Lawrence, as disclosed by applicant.

The device is disclosed as applied to claim 1 above. However, Koong fails to disclose wherein said second sleeve includes a guide pin mounted on an inside surface thereof, the guide pin adapted to be engageable with a channel in the third sleeve.

Lawrence discloses a similar device wherein said second sleeve includes a guide pin (32) mounted on a sleeve, the guide pin (32) adapted to be engageable with a channel (34) in the third sleeve.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the guide pin of Lawrence on the device of Koong in order to lock two pieces together.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the guide pin on the inside surface of the sleeve and the channel on the in the inner sleeve since it has been held that rearranging parts of an invention involves only routine skill in the art.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koong in view of Maggio et al., hereafter Maggio.

The device is disclosed as applied above. However, Koong fails to disclose wherein the third sleeve includes a semi-circular channel for receiving a guide pin extending from the second sleeve and allowing the third sleeve to rotate at least 180 degrees within the second sleeve.

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Maggio discloses a similar fastener wherein a sleeve (16) includes a semi-circular channel (the slot bordered by 16 d, e, f, g) for receiving a guide pin (48) extending from a second sleeve (31) and allowing the sleeve (16) to rotate at least 180 degrees (see column 4, lines 15-20) within the second sleeve (31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the slot of Maggio on the device of Koong in order to adjust the angle of the tool.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koong in view of Kress et al., hereafter Kress.

The device is disclosed as applied to claim 1 above. However, Koong fails to disclose wherein the first sleeve comprises at least one tightening screw for securing the first sleeve to a handle of a rake, as per claim 15; and

Wherein the third sleeve comprises at least one tightening screw for securing the third sleeve to a handle of a rake, as per claim 16.

Kress discloses a similar device wherein the sleeve (11) comprises at least one tightening screw (31) for securing the sleeve (11) to a handle (16) of a rake.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the tightening screw of Kress on the device of Koong in order to interchange tools of a set.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 4-14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

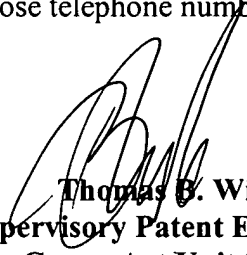
9. Claims 18-20 are allowed.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671